



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :

Peter SCHUBERT *et al.* :

Group Art Unit: 1645

Serial No.: 09/372,036 :

Examiner: P. Baskar

Filed: August 11, 1999 :

For: **PROCESSES AND AGENTS FOR DETECTING LISTERIAS**

REPLY TO ADVISORY ACTION

Assistant Commissioner for Patents
Washington, D.C. 20231

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SIR:

In response to the Advisory Action of December 24, 2002, please amend the above-identified application as indicated below and consider the remarks which follow:

IN THE CLAIMS

Please amend the claims as follows:

42. (Twice Amended) An isolated antibody which specifically binds to an epitope selected from the group consisting of one of the following peptides: SEQ ID NO: 17, 20, 26, 29, 30 and 31 of the p60 protein from *Listeria monocytogenes* and wherein said antibody does not cross-react with an epitope from other non-pathogenic *Listeria* species.

43. (Twice Amended) An isolated antibody which can be prepared by immunizing an experimental animal with a peptide selected from the group consisting of one of the following peptides: SEQ ID NO: 17, 20, 26, 29, 30 and 31, or with an immunogenic conjugate which

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Listing of Claims:

Please amend the claims as follows:

Claims 1-38 (Cancelled)

Claim 39 (Previously Presented) An isolated peptide from the p60 protein of *Listeria monocytogenes*, selected from formulae (IVa) or (IVd)

X³ProValAlaProThrGlnX⁴ (IVa) (SEQ ID NO:17)

X³GlnGlnThrAlaProLysAlaProThrX⁴ (IVd) (SEQ ID NO:20)

wherein

X³ and X⁴ are each, independently, hydrogen or 1-7 additional amino acids.

Claim 40 (Currently Amended) A an isolated peptide of claim 39, selected from SEQ ID NOs: 26, 29, 30 or 31.

Claim 41 (Previously Presented) An immunogenic conjugate which comprises a peptide of claim 39.

Claim 42 (Previously Presented) An isolated antibody which specifically binds to an epitope selected from the group consisting of one of the following peptides: SEQ ID NO: 17, 20,

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26, 29, 30 and 31 of the p60 protein from ~~pathogenic~~ Listeria monocytogenes and wherein said antibody does not react with p60 protein ~~an epitope~~ from other non-pathogenic Listeria species.

2
Claim 43 (Currently Amended) An isolated antibody which can be prepared by immunizing an experimental animal with a peptide selected from the group consisting of one of the following peptides: SEQ ID NO: 17, 20, 26, 29, 30 and 31, or with an immunogenic conjugate which comprises a peptide selected from the group consisting of one of the following peptides: SEQ ID NO: 17, 20, 26, 29, 30 and 31, wherein said antibody specifically binds to the p60 protein from ~~pathogenic~~ Listeria monocytogenes and does not react with ~~an epitope~~ p60 protein from other non-pathogenic Listeria species.

Claim 44 (Currently Amended) A process for preparing an antibody which specifically binds to the p60 protein from ~~pathogenic~~ Listeria monocytogenes ~~listeria~~, comprising immunizing an experimental animal with an immunogen, wherein said immunogen is the peptide of SEQ ID NO: 17 or 20, or an immunogenic conjugate which comprises the peptide of SEQ ID NO: 17 or 20, and isolating the ~~thus-produced~~ antibody which specifically binds to the p60 protein from pathogenic Listeria monocytogenes.

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Claim 45 (Previously Presented) A process of claim 44, wherein the immunogenic conjugate comprises the peptide, SEQ ID NO: 26, 29, 30 or 31.

Claim 46 (Currently Amended) A method of detecting pathogenic Listeria monocytogenes ~~listeria~~, comprising incubating a sample which may contain pathogenic Listeria monocytogenes ~~listeria~~ with an antibody of claim 42.

Claim 47 (Currently Amended) A method of detecting pathogenic Listeria monocytogenes ~~listeria~~, comprising incubating a sample which may contain pathogenic Listeria monocytogenes ~~listeria~~ with an antibody of claim 43.

Claim 48 (Currently Amended) A kit for detecting pathogenic Listeria monocytogenes ~~listeria~~ by immunoassay, comprising an antibody of claim 42.

Claim 49 (Currently Amended) A kit for detecting pathogenic Listeria monocytogenes ~~listeria~~ by immunoassay, comprising an antibody of claim 43.

3 **Claim 50 (Currently Amended)** An isolated antibody of claim 42, **1** which binds to an epitope of a peptide of SEQ ID NO: 26.

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4 ✓
Claim 51 (Currently Amended)

epitope of a peptide of SEQ ID NO: 29.

1
An isolated antibody of claim 42, which binds to an5
Claim 52 (Currently Amended)

epitope of a peptide of SEQ ID NO: 30.

1
An isolated antibody of claim 42, which binds to an6
Claim 53 (Currently Amended)

epitope of a peptide of SEQ ID NO: 31.

1
An isolated antibody of claim 42, which binds to an7
Claim 54 (Previously Presented)

peptide is SEQ ID NO: 17.

2
An isolated antibody of claim 42, wherein the8
Claim 55 (Previously Presented)

peptide is SEQ ID NO: 26.

2
An isolated antibody of claim 42, wherein the9
Claim 56 (Previously Presented)

peptide is SEQ ID NO: 29.

2
An isolated antibody of claim 42, wherein the

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~~10~~
Claim ~~57~~ (Previously Presented)
peptide is SEQ ID NO: 30.

~~2~~
An isolated antibody of claim ~~43~~, wherein the

~~11~~
Claim ~~58~~ (Previously Presented)
peptide is SEQ ID NO: 31.

~~2~~
An isolated antibody of claim ~~43~~, wherein the

~~12~~
Claim ~~59~~ (Previously Presented)
antibody.

~~1~~
The antibody of claim ~~42~~ which is a polyclonal

~~13~~
Claim ~~60~~ (Previously Presented)
antibody.

~~1~~
The antibody of claim ~~42~~ which is a monoclonal

~~14~~
Claim ~~61~~ (Previously Presented)
antibody.

~~2~~
The antibody of claim ~~43~~ which is a polyclonal

~~15~~
Claim ~~62~~ (Previously Presented)
antibody.

~~✓~~
The antibody of claim ~~43~~ which is a monoclonal

Claim 63 (Cancelled)

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Claim 64 (Cancelled)

Claim 65 (Cancelled)

Claim 66 (Cancelled)

Claim 67 (Cancelled)

Claim 68 (Cancelled)

16 Claim 69 (Currently Amended) A composition comprising at least two monoclonal antibodies each of which binds to a ~~an epitope from a different said~~ peptide according to claim

42. 1

Claim 70 (Cancelled)

Claim 71 (Cancelled)

17 Claim 72 (Previously Presented) An isolated antibody of claim 48, wherein said animal is a sheep, goat, rabbit or mouse. 2